



# NOAA FISHERIES FACT SHEET



## Summary of Information about the Bottlenose Dolphin Take Reduction Plan and Amendment to the Mid-Atlantic Large Mesh Gillnet Rule

Protected Species: Western North Atlantic Coastal Bottlenose Dolphins and Sea Turtles

### NATIONAL MARINE FISHERIES SERVICE

NOAA's National Marine Fisheries Service (NMFS) published a final rule on April 26, 2006 that implements the Bottlenose Dolphin Take Reduction Plan (BDTRP) under the Marine Mammal Protection Act (MMPA) and amends the Mid-Atlantic large mesh gillnet rule under the Endangered Species Act (ESA). The BDTRP is required under the MMPA to reduce serious injuries and deaths, or bycatch, of the Western North Atlantic coastal bottlenose dolphin stock in nine commercial fisheries from New Jersey through the east coast of Florida. The amendment to the Mid-Atlantic large mesh gillnet rule provides consistency in the large mesh gillnet size restriction between state and federal management measures already in place. This insert is intended to briefly inform you of the regulatory and non-regulatory management measures included in the rule and is not a substitute for the complete regulations. The complete, official regulations are codified at 50 CFR 229.35 for the BDTRP and 50 CFR 223.206 for the Mid-Atlantic Large Mesh Gillnet Rule. For more information and a copy of the final rule, visit our Web site at: <http://sero.nmfs.noaa.gov/pr/bdtrp.htm>. To learn more about how you can comply, attend a voluntary workshop hosted by NMFS (see page. 4).

### Overview

Under one rule, NMFS is implementing the BDTRP under the MMPA and amending the Mid-Atlantic large mesh gillnet rule under the ESA.

#### BOTTLENOSE DOLPHIN TAKE REDUCTION PLAN

The BDTRP incorporates the Bottlenose Dolphin Take Reduction Team's (BDTRT) consensus recommendations and public comments to provide an effective plan to reduce the bycatch of the Western North Atlantic coastal bottlenose dolphin stock in nine commercial fisheries from New Jersey through the east coast of Florida. The BDTRP contains both regulatory and non-regulatory management measures to meet specific goals established by the MMPA.



#### Mid-Atlantic LARGE MESH GILLNET RULE

All sea turtles found in U.S. waters are listed as either endangered or threatened under the ESA. To protect migrating sea turtles, NMFS published a final rule on December 3, 2002. That established seasonally adjusted gear restrictions by closing portions of the Mid-Atlantic Exclusive Economic Zone (EEZ) to fishing with gillnets with a mesh size larger than 8-inch (20.3 cm) stretched mesh. However, other state and Federal management measures in the Mid-Atlantic area, including the BDTRP, use 7-inch (17.8 cm) stretched mesh as the lower limit of their "large mesh" gillnet restriction. NMFS amended the rule to change the large mesh size restriction (50 CFR 223.206 (d) (8)) to be 7 inches or greater. See details on pg. 4.

## Bottlenose Dolphin Take Reduction Plan

### Goals

The MMPA establishes short-and long-term goals for all take reduction plans.

**Short-Term Goal:** Within six months, reduce bycatch of bottlenose dolphins caused by commercial fisheries to below the stocks' potential biological removal level.

**Long-Term Goal:** Within five years, reduce bycatch caused by commercial fisheries to insignificant levels approaching a zero mortality rate, while taking into account other factors, such as the economy of the fishery.

### Affected Fisheries

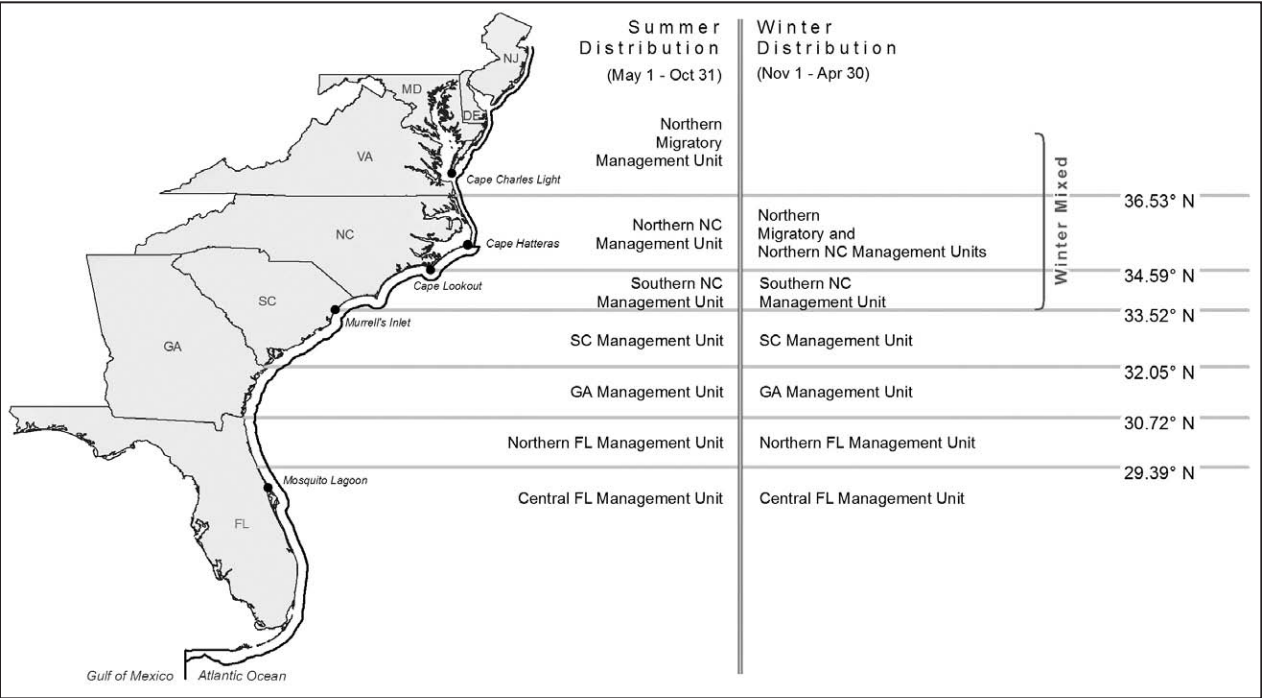
- Mid-Atlantic Coastal Gillnet Fishery
- Virginia Pound Net Fishery
- Mid-Atlantic Haul/Beach Seine Fishery
- Atlantic Blue Crab Trap/Pot Fishery
- North Carolina Inshore Gillnet Fishery
- North Carolina Roe Mullet Stop Net Fishery
- North Carolina Long Haul Seine Fishery
- Southeastern U.S. Atlantic Shark Gillnet Fishery
- Southeast Atlantic Gillnet Fishery

### Restricted Gear

Gear restricted by the BDTRP includes small, medium, and large-mesh gillnets. The regulations and non-regulatory measures generally seek to reduce the amount of gear in the water at any given time, or to modify fishing practices in order to limit bycatch of coastal bottlenose dolphins.

### Geographic Scope

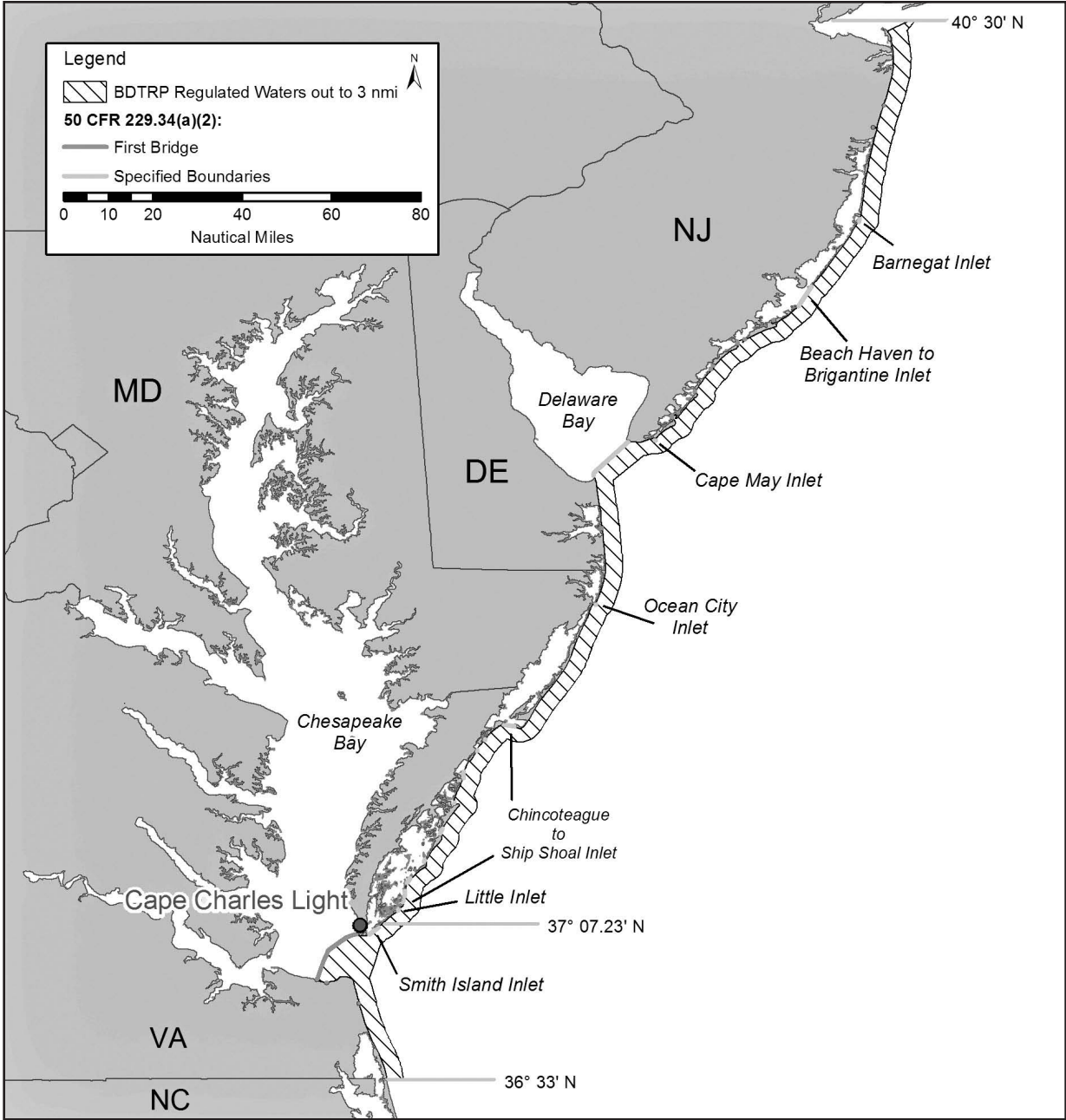
The geographic scope of the BDTRP is based on the range of the Western North Atlantic coastal bottlenose dolphin stock. It includes all marine waters within 6.5 nautical miles (nmi) (12km) of shore from the New York - New Jersey border southward to Cape Hatteras, North Carolina, and within 14.6 nmi (27 km) of shore from Cape Hatteras, southward to, and including the east coast of Florida down to the Fishery Management Council demarcation line between the Atlantic Ocean and the Gulf of Mexico. Within this overall geographic scope, there are seven management units (MUs), by which the regulatory measures are organized. (Figure 1).



**Figure 1:** Geographic area affected by the BDTRP and distribution of MUs. The Winter Mixed MU forms when the Northern Migratory, Northern North Carolina, and Southern North Carolina MUs overlap during winter.

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# Regulations for New Jersey, Delaware, Maryland, and Virginia State Waters



**REGULATED WATERS:** Marine waters within 3 nautical miles (nmi) of shore; or the first bridge over any embayment, harbor, or inlet; or the following specified boundaries:

Barnegat Inlet	39°45.90' N. 74°05.90' W. TO 39°45.15' N. 74°06.20' W.
Beach Haven to Brigantine Inlet	39°30.70' N. 74°16.70' W. TO 39°26.30' N. 74°19.75' W.
Cape May Inlet	38°56.20' N. 74°51.70' W. TO 38°56.20' N. 74°51.90' W.
Delaware Bay	72 COLREGS demarcation line
Ocean City Inlet	38°19.48' N. 75°05.10' W. TO 38°19.35' N. 75°05.25' W.
Chincoteague to Ship Shoal Inlet	72 COLREGS demarcation line
Little Inlet	37°11.10' N. 75°49.30' W. TO 37°10.65' N. 75°49.60' W.
Smith Island Inlet	37°07.00' N. 75°53.75' W. TO 37°05.30' N. 75°56' W.

## GILLNET RESTRICTIONS

### MEDIUM MESH ( > 5 in to < 7 in )

*From June 1 - October 31*

**Fishing Area:**

Between 40°30' N. and 36°33' N.

**Restriction:**

At **night**, fishing prohibited with medium mesh anchored gillnet gear unless fishermen remain within 0.5 nmi (0.93 km) of the closest portion of each gillnet, remove all gear from the water, and stow it on board before returning to port.

**Night:** Defined as any time one hour after sunset and one hour prior to sunrise as determined for the date and location in the Nautical Almanac, prepared by the U.S. Naval Observatory.

### LARGE MESH ( ≥ 7 in )

*From June 1 - October 31*

**Fishing Area:**

Between 40°30' N. and 36°33' N.

**Restriction:**

At **night**, fishing prohibited with large mesh anchored gillnet gear unless fishermen remain within 0.5 nmi (0.93 km) of the closest portion of each gillnet, remove all gear from the water, and stow it on board before returning to port.

*From November 1 - December 31*

**Fishing Area:**

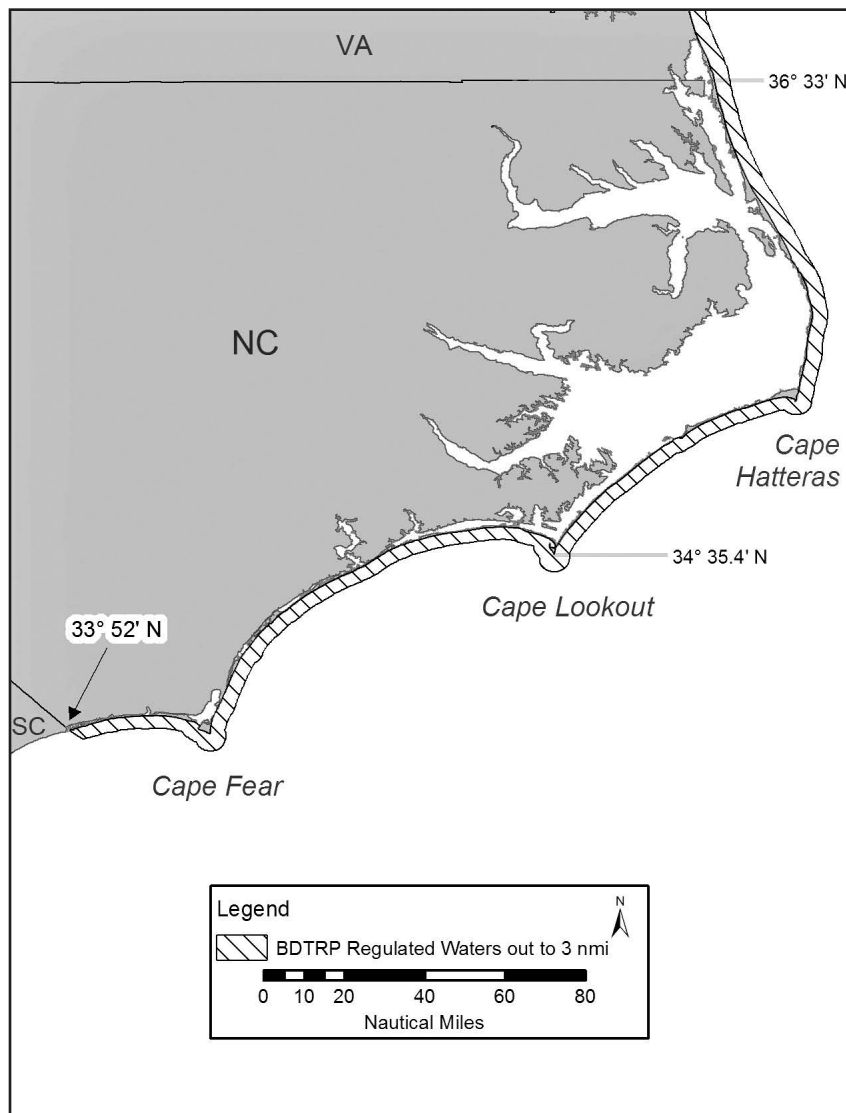
Between 37°07.23' N. and 36°33' N.

**Restriction:**

At **night**, fishing prohibited and gillnet gear must be removed from the water and stowed on board.

## Regulations for North Carolina State Waters

**REGULATED WATERS:** Marine waters within 3 nautical miles (nmi) of shore or the 72 COLREGS line.



### GILLNET RESTRICTIONS

#### SMALL MESH ( ≤ 5 in )

*From May 1 - October 31*

##### **Fishing Area:**

Between 36°33' N. and 34°35.4' N.  
(Northern half of state)

##### **Restriction:**

Fishing prohibited unless net length is less than 1,000 ft (304.8 m).

#### MEDIUM MESH ( > 5 in to < 7 in )

*From November 1 - April 30*

##### **Fishing Area:**

Between 36°33' N. and 33°52' N.  
(entire state)

##### **Restriction:**

At **night**, fishing prohibited; provision expires 3 years from effective date.

#### LARGE MESH ( ≥ 7 in )

*From April 15 - December 15*

##### **Fishing Area:**

Between 36°33' N. and 33°52' N.  
(entire state)

##### **Restriction:**

Fishing prohibited.

*From December 16 - April 14*

##### **Fishing Area:**

Between 36°33' N. and 34°35.4' N.  
(Northern half of state)

##### **Restriction:**

At **night**, fishing prohibited without tie-downs.

##### **Fishing Area:**

Between 34°35.4' N. and 33°52' N.  
(Southern half of state)

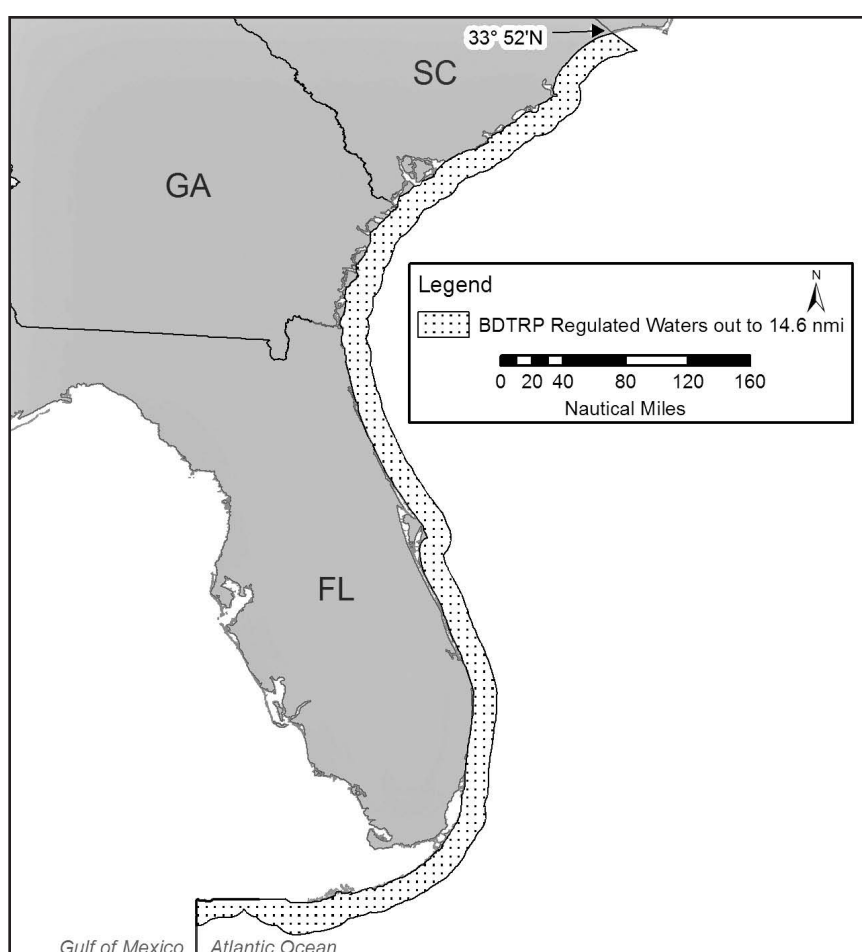
##### **Restriction:**

At **night**, fishing prohibited and gear must be removed from water and stowed on board.

**Night:** Defined as any time one hour after sunset and one hour prior to sunrise as determined for the date and location in the Nautical Almanac, prepared by the U.S. Naval Observatory.

## Regulations for South Carolina, Georgia, and Florida Waters

**REGULATED WATERS:** Marine waters within 14.6 nautical miles (nmi) of shore or the 72 COLREGS line.



### GILLNET RESTRICTIONS

#### ALL GILLNET GEAR

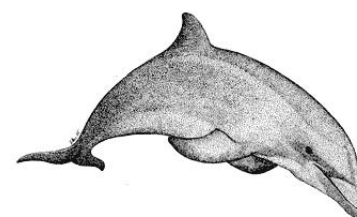
*Year-Round*

##### **Fishing Area:**

Between 33°52' N. and the fishery management council demarcation line between the Atlantic Ocean and the Gulf of Mexico (as described in 50 CFR 600.105).

##### **Restriction:**

Fishermen must remain within 0.25 nmi (0.46 km) of the closest portion of the gillnet at all times and remove all gillnet gear from the water and stow on board before returning to port.





## BDTRP Non-Regulatory Measures

Non-regulatory measures are an important component of any take reduction plan, as they provide a framework for reaching short- and long-term goals required under the MMPA. Below is a summary of non-regulatory measures contained in the BDTRP to help reduce dolphin bycatch, what NMFS is doing, and how **YOU** can help ensure these conservation measures are effective. **With YOUR help and cooperation, dolphin bycatch can be reduced, potentially resulting in less stringent and/or fewer regulations in the future.**

### What is NMFS Doing?

- Informing fishermen about the laws and regulations, as well as best fishing practices via compliance guides, dockside visits/forums, voluntary workshops, mail-outs, fishery liasions, and the BDTRP Web site.
- Continuing research on the abundance, genetics, and behavior of coastal bottlenose dolphins.
- Funding gear research projects to investigate new ways of using gear to reduce dolphin bycatch.
- Collaborating with states to establish programs for removing lost or abandoned (derelict) blue crab traps/pots and associated lines from the water.
- Increasing observer coverage in areas where it is lacking, focusing on coastal waters of Virginia and North Carolina. This will include gathering important fishery information and implementing an alternative observer platform for vessels that cannot be observed by traditional means.
- Coordinating with other researchers and states to develop effective fishery monitoring strategies and increase sample sizes for all fisheries and gear types.
- Improving stranding response and data accuracy by encouraging fishermen to report stranded and entangled marine mammals, maintaining open lines of communication between network members, improving training, and increasing geographic coverage of stranding response.

### How Can You Help?

- Comply with all laws and regulations.
- Attend voluntary workshops (see below).
- Follow suggested best fishing practices.
- Participate in gear research projects.
- Report entangled and stranded marine mammals.
- Carry observers when requested.
- Report all marine mammal-fishery injuries and mortalities, even when an observer is present.
- Participate in derelict crab pot removal volunteer workdays.
- Spread the word! Encourage other fishermen to help reduce dolphin bycatch.

To download the marine mammal injury and mortality report form, visit:  
<http://www.nmfs.noaa.gov/interactions/mmmap/>



## Non-Regulatory Measures for the Atlantic Blue Crab Trap/Pot Fishery

Bottlenose dolphins have been seen “pot-tipping” in an attempt to feed on bait used with crab gear. As a result, bottlenose dolphins may become entangled in the float line. In other cases, dolphins may simply bump into the gear, panic, and become entangled, which may happen when gear is dense in areas with considerable tidal flux and float lines are slack.

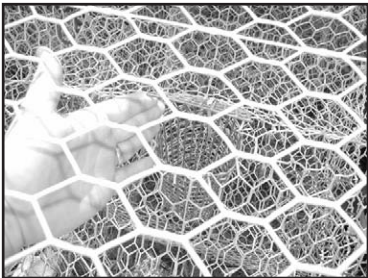
The Bottlenose Dolphin Take Reduction Team developed a set of recommended gear deployment and modification options to potentially reduce the impacts of pot tipping on both dolphins and fishing operations. These gear modifications are currently in use in some areas and are also being investigated further to better understand their ability to reduce interactions, loss of bait, and damage to gear.

### Gear Modification Recommendations for Blue Crab Trap/Pot Fishermen

- Use a sinking or negatively buoyant line, such as nylon or polyester, to minimize excess line floating at the surface.
- Deploy line in an untangled, straight line to help reduce the risk of it coming off the bottom.
- Limit line to minimum length necessary, especially in shallow or slack water.
- Use an inverted or modified bait well to discourage bottlenose dolphins from attempting to feed on bait.

For a description on how to construct and use an inverted bait well, visit:  
<http://www.sero.nmfs.gov/bdtrp/baitwell.htm>

For full reports of studies conducted on crab trap/pot gear and dolphin entanglements, visit:  
<http://www.sero.nmfs.gov/bdtrp.htm>



Example of an inverted, or modified, bait well. The bait well opening is turned to the inside of the trap. The wire lid is held in place by a canterlevered bungee that holds the lid open when re-baiting, and keeps the lid closed when actively fishing.  
Photo credit: Georgial Department of Natural Resources

## Mid-Atlantic Large Mesh Gillnet Rule

The amendment to the Mid-Atlantic large mesh gillnet rule (50 CFR 223.206 (d) (8)), which protects endangered and threatened sea turtles, contains a change to the large mesh gillnet size restriction.

### Amendment

The large mesh gillnet size restriction is now revised from greater than 8-inch, to 7-inch (17.8 cm) stretched mesh or greater. This amendment provides better consistency with other state and federal management measures, and helps reduce confusion and facilitates compliance for commercial fishermen using large mesh gear in the Mid-Atlantic.

### Affected Fisheries

- Commercial fishermen using large mesh gillnets in the Exclusive Economic Zone waters off North Carolina and Virginia.
- The specific times and areas of prohibited fishing with large mesh gillnets listed at 50 CFR 223.206 (d) (8) are unchanged.

## Want to Learn More?

The following workshops have been scheduled to provide more information. Attendance is voluntary, but strongly encouraged. All workshop times are from 7-9 p.m. on their respective nights.

May 8, 2006: Holiday Inn  
151 Route 72 East  
Manahawkin, NJ 08060

May 9, 2006: Clarion Resort  
Fontainebleau Hotel  
10100 Coastal Highway  
Ocean City, MD 21842

May 15, 2006: Virginia Aquarium &  
Marine Science Center  
Main Entrance  
717 General Booth Boulevard  
Virginia Beach, VA 23451

May 16, 2006: The Chincoteague Center  
6155 Community Drive  
Chincoteague, VA 23336

May 17, 2006: Roanoke Island Festival Park  
Small Auditorium  
One Festival Park  
Manteo, NC 27954

May 18, 2006: Carteret Community College  
Joslyn Hall Auditorium  
3505 Arendell St.  
Morehead City, NC 28557

May 19, 2006: NC Division of Marine Fisheries  
Southern District Office  
127 Cardinal Drive  
Wilmington, NC 28405

May 22, 2006: Beaufort County Clemson  
Extension Service Office  
102 Beaufort Industrial Village  
Suite 101  
Beaufort, SC 29901

May 23, 2006: Holton s Restaurant  
13711 Oglethorpe Hwy.  
Midway, GA 31320

May 24, 2006: Marine Science Educational Center  
1347 Palmer Street  
Mayport, FL 32233

May 25, 2006: Fort Pierce Branch Library  
101 Melody Lane  
Fort Pierce, FL 34950